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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,032	03/01/2002	Peter Zatloukal	41051.P017	6498

25943 7590 02/10/2006

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Y

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/087,032	Applicant(s) ZATLOUKAL ET AL.	
	Examiner Sharad Rampuria	Art Unit 2688	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

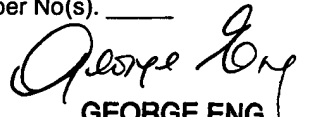
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
please see continuation-sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


GEORGE ENG
 SUPERVISORY PATENT EXAMINER

Response to Arguments

IV. *Applicant's arguments filed on 1/5/2006 have been fully considered but they are not persuasive.*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Douglas teaches an object of the present invention is to provide a novel active noise reduction headset having a single interface with dual plugs that contain the outputs from the microphone means and audio output means for adaption into an electronic means or computer sound means incorporating the active noise circuitry for reducing noise which overcomes the problems associated with the prior art (See Abstract, Pg.4; 0041-0043 and Claim 1) by assigning of dual jacks for headphone, which is in the same field of endeavor as Reshefsky. Therefore, one skill in the art would recognize the combination of the above two references is proper.

In response to Applicant's argument that Reshefsky nor Douglas teach, "a connector having two plugs respectively coupled to said first earpiece receiver and said microphone;" it is noted that Douglas supports the assertion as, "The connector 22' has two stereo miniplugs or

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jacks 14', 15', respectively, shown in FIG. 4. The first jack 14' contains the signals or contacts from the left ground 14A, the left microphone 14B, and the left audio 14C transmitted by cable wiring 35' from the left earcup 3', which are inputted into the sound module 30'. Likewise, the second jack 15' contains the signals or contacts from the right ground 15A, the right microphone 15B, and the right audio 15C transmitted by cable wiring 35' from the right earcup 4. The signals on the tip of the dual jacks 14', 15', respectively are transmitted to the module 30' when the jacks are plugged into its appropriate female members 12, 13 and either undergo noise reduction or standard electrical-acoustic processing to output sound to the ears of the user depending on the switch means 25' mode". (See Abstract, Pg.4; 0041-0043 and Claim 1) Hence, it is believed that Douglas teaches the claimed limitations.

Moreover in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "one plug coupled to the receiver for *transferring only audio signals from the wireless phone to the receiver via an output interface, and a second plug coupled to the microphone for transferring only audio inputs from the microphone to the wireless phone*. Further, neither Reshefsky nor Douglas teaches *an output interface*."") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For that reason, it is believed and as enlighten above, the rejections should be sustained.